

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**ELLEN YAROSHEFSKY,**

Petitioner,

v.

**GEN. JAMES N. MATTIS** in his  
official capacity as SECRETARY OF  
DEFENSE, and

**COL. VANCE H. SPATH** (AIR  
FORCE) in his official capacity as  
MILITARY JUDGE, MILITARY  
COMMISSIONS TRIAL  
JUDICIARY, DEPARTMENT OF  
DEFENSE,

Respondents.

Case No. 17-cv-08718-GHW

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**DECLARATION OF HAROLD K. GORDON**

Harold K. Gordon, declares as follows:

1. I am a partner at Jones Day, resident in the Firm's New York office.
2. I submit this Declaration to the Court in support of Ellen Yaroshefsky's Petition for Writ of Habeas Corpus, and Motion for Declaratory Judgment, To Quash Subpoena or Other Process, and for an Interim Temporary Restraining Order. No previous application for similar relief on behalf of Ms. Yaroshefsky has been made.
3. Attached as Exhibit A is a true and correct copy of an order issued by Colonel Vance H. Spath ("Colonel Spath") on November 1, 2017.
4. Attached as Exhibit B is a true and correct copy of Richard Kammen's ("Kammen") Petition for Writ of Habeas Corpus and Motion for Declaratory Judgment.

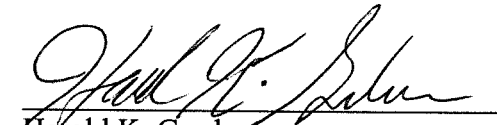
5. Attached as Exhibit C is a true and correct copy of an order issued by Judge Tanya Pratt on November 3, 2017.
6. Attached as Exhibit D is a true and correct copy of an order issued by Colonel Spath on November 6, 2017.
7. Attached as Exhibit E is a true and correct copy of the Unofficial Transcript of proceedings before Colonel Spath on November 3, 2017.
8. Attached as Exhibit F is a true and correct copy of a letter detailing the opinion of Ellen Yaroshefsky dated October 5, 2017.
9. Attached as Exhibit G is a true and correct copy of a letter from Kammen to Brigadier General Baker dated October 6, 2017.
10. Attached as Exhibit H is a true and correct copy of the Memorandum from Notice for Brigadier General Baker to Kammen dated October 11, 2017.
11. Attached as Exhibit I is a true and correct copy of the Defense Motion to Abate Proceedings Pending a Detailing of Learned Counsel filed October 16, 2017.
12. Attached as Exhibit J is a true and correct copy of the Briefing Order on Defense Motion to Abate Proceedings Pending a Detailing of Learned Counsel filed October 16, 2017.
13. Attached as Exhibit K is a true and correct copy of the Government's Response to Defense Motion to Abate Proceedings Pending a Detailing of Learned Counsel filed October 20, 2017.
14. Attached as Exhibit L is a true and correct copy of the Chief Defense Counsel's Response to Briefing Order of 16 October 2017 filed October 24, 2017.
15. Attached as Exhibit M is a true and correct copy of the Chief Defense Counsel's Reply to Prosecution's Response to Judge's Briefing Order of 16 October 2017 filed October 26, 2017.

16. Attached as Exhibit N is a true and correct copy of the Ruling on Defense Motion to Abate Proceedings Pending the Detailing of Learned Counsel filed October 27, 2017.
17. Attached as Exhibit O is a true and correct copy of the Government's Brief Regarding the Commission's Authority to Enforce Its Orders and to Proceed in the Absence of Learned Counsel.
18. Attached as Exhibit P is a true and correct copy of the Unofficial Transcript of proceedings before Colonel Vance H. Spath on October 31, 2017.
19. Attached as Exhibit Q is a true and correct copy of the Unofficial Transcript of proceedings before Colonel Spath on November 1, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: November 9, 2017

By:

  
Harold K. Gordon